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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	NO. 21-MJ-70319-MAG
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	EXCLUDING TIME UNDER THE SPEEDY TRIAL
v.)	ACT AND FEDERAL RULE OF CRIMINAL
)	PROCEDURE 5.1(c) AND (d)
JOSE OCHOA GUTIERREZ,)	
)	
Defendant.)	

A status conference in this matter is scheduled for August 26, 2021. Counsel for the United States and counsel for the defendant, Jose Ochoa Gutierrez, jointly stipulate and request that the status conference be continued to August 27, 2021 at 1:00 pm before Magistrate Virginia K. DeMarchi and time be excluded under Federal Rule of Criminal Procedure 5.1(c) and (d), and the Speedy Trial Act from August 26, 2021 to August 27, 2021.

The government and counsel for the defendant have agreed that time be excluded under Federal Rule of Criminal Procedure 5.1 and the Speedy Trial Act so that defense counsel can continue to prepare. For these reasons, the parties stipulate and agree that excluding time until August 27, 2021, will allow for the effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv); FRCP 5.1(c) and

(d). The parties further stipulate and agree that the ends of justice served by excluding time from August 26, 2021 to August 27, 2021, from computation under the Speedy Trial Act and Federal Rule of Criminal Procedure 5.1(c) and (d) outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv).

The undersigned Assistant United States Attorney certifies that she has obtained approval from counsel for the defendant to file this stipulation, request, and proposed order.

IT IS SO STIPULATED.

DATED: August 26, 2021

/s/ Molly K. Priedeman
MOLLY K. PRIEDEMAN
Assistant United States Attorney

DATED: August 26, 2021


/s/ Miranda Kane
MIRANDA KANE
Attorney for the Defendant

PROPOSED ORDER

Based upon the representations of counsel and for good cause shown, the Court finds that failing to exclude the time from August 26, 2021 to August 27, 2021, would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation and continuity of counsel, taking into account the exercise of due diligence. 18 U.S.C. §3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from August 26, 2021 to August 27, 2021, from computation under the Speedy Trial Act and Federal Rule of Criminal Procedure 5.1(c) and (d) outweighs the best interests of the public and the defendant in a speedy trial. Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from August 26, 2021 to August 27, 2021, shall be excluded from computation under the Speedy Trial Act and Federal Rule of Criminal Procedure 5.1(c) and (d) and the status conference shall be continued to August 27, 2021 at 1:00 pm before Magistrate Judge Virginia K. DeMarchi. 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv); FRCP 5.1(c),(d).

IT IS SO ORDERED.

DATED: August 25, 2021


THE HONORABLE VIRGINIA DEMARCHI
United States Magistrate Judge